

APPENDIX A-1
CONTINUITY OF GOVERNMENT

I. SITUATION AND ASSUMPTIONS

- A. A major disaster or nuclear war related crisis could result in the death or injury of key officials of government, and the partial or complete destruction of established seats of government. A disaster or war related crisis could also cause the loss of public and private records essential to the continued operations of government and the economy.
- B. The majority of state government offices are located in Frankfort. However, various state agencies have field offices located throughout the state. Those agencies with field offices could, if necessary, operate independently of their central offices.
- C. Local governments are, by virtue of the Constitution of Kentucky, autonomous in nature. However, such governments are responsible for assuring that provisions are made for continuity of government and effective operations during emergencies within the jurisdictions.

II. MISSION

Provide continuity of government and maintain essential services to all citizens during emergencies, disasters, and war related crisis. This appendix outlines measures for insuring the continuity of state and local governments. Continuity of government requires the preservation of functioning government institutions. State and local officials must address concerns such as official succession, predelegation of emergency authorities, safekeeping of essential records, creation of a secure Emergency Operations Center, alternate command facilities, and protection of government personnel and resources.

III. CONCEPT OF OPERATIONS

A. STATE GOVERNMENT

1. Line of Succession for Governor

In the event the Office of the Governor becomes vacant, the office will be assumed by the Lieutenant Governor. If the Office of Lieutenant Governor is vacant, the Office of Governor will then be assumed by the President Pro Tempore of the Senate. If there is no President Pro Tempore of the Senate, the Secretary of State must convene the Senate to choose a new President Pro Tempore. Until the President Pro Tempore is chosen, the Secretary of State acts as Governor. In case the Secretary of State can not act as Governor, the office is assumed by the Attorney General.

2. General Assembly

The General Assembly is the legislative branch of state government and, as such, its continuation is essential. The General Assembly is composed of a House of Representatives and a Senate. If the General Assembly should be in session during the disaster, the Governor may convene it at another place or adjourn it for not more than four months. If not in session, its members should await possible call into Special Session by the Governor. The House of Representatives is presided over by a Speaker who is chosen by the membership of the House. The Lieutenant Governor presides over the Senate. Provision is made for the election of a President Pro Tempore by the Senate, who shall act as president of that body in case of death, resignation, absence, or inability of the Lieutenant Governor to serve in that capacity.

3. Kentucky Court System

- a. The Kentucky Court System is a coordinate branch of state government. Its preservation and the continuation of its functions are necessary for the maintenance of constitutional government.
- b. The Supreme Court and the subordinate courts (Appeals, Circuit and District) must also be maintained.
- c. A vacancy in the office of a Justice of the Supreme Court, or of a Judge of the Court of Appeals, Circuit or District Court, which under Section 152 of the Kentucky Constitution is to be filled by appointment by the Governor, shall be filled by the Governor from a list of three names presented to him by the appropriate Judicial Nominating Commission. If the Governor fails to make an appointment from the list within sixty (60) days from the date it is presented to him, the appointment shall be made from the same list by the Chief Justice of the Supreme Court.

4. Lieutenant Governor

The Lieutenant Governor is next in line of succession to the Governor, and the presiding officer of the State Senate. The role as legislative officer will require that the Lieutenant Governor be with the General Assembly, if convened. If the General Assembly is not in session, the Lieutenant Governor should assist the Governor in order to be fully informed of the situation in the Commonwealth, in case the Lieutenant Governor must assume the Office of Governor.

5. Attorney General

- a. The Attorney General, a Constitutional officer, is legal advisor to the Governor and to all state officers and agencies, and is chief legal advisor

to the political subdivisions of the state. These functions are essential during disaster and recovery periods to insure the continuation of civil authority in the state and assist emergency management functions.

- b. Succession of command within the Office of the Attorney General is in accordance to Section 152 of the Kentucky Constitution. The Chief Deputy Attorney General will serve until a new Attorney General is appointed.

6. Auditor of Public Accounts

- a. This constitutional officer is responsible for ensuring that funds are used in compliance with State laws and regulations. The Auditor's duties will be exercised in the recovery period.
- b. Succession of command within the office is in accordance with KRS 43.030. The Assistant Auditor will serve until a new State Auditor is appointed.

7. Secretary of State

- a. This constitutional office is responsible for attesting executive orders by affixing the Seal of the Commonwealth and acting as custodian of the state's laws and executive orders.
- b. This office is also charged with convening the Senate to choose a President Pro Tempore of the Senate, when necessary. If there is a vacancy in the Office of the Governor, Lieutenant Governor and President Pro Tempore of the Senate, the Secretary of State administers state government until a President Pro Tempore is chosen by the Senate.
- c. Succession of command within the office is in accordance to KRS 14.020. The Assistant Secretary of State will serve until a new Secretary of State is appointed.

8. Treasurer

- a. The Treasurer is a constitutional officer who is custodian of all state funds and has the authority for distribution of state funds.
- b. In the event the Treasurer is unable to fulfill the duties of the office, the Assistant Treasurer will assume the responsibilities of the Treasurer.

9. Commissioner of Agriculture

- a. The Commissioner of Agriculture is a constitutional officer responsible for agricultural resources in the state.

b. The Deputy Commissioner will succeed the Commissioner.

10. Adjutant General

The Governor shall appoint an Adjutant General and other staff officers; the generals and commandants of regiments and battalions shall respectively appoint their staff officers, and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their noncommissioned officers. The Governor shall have power to fill vacancies that may occur in elective offices by granting commissions which shall expire when such vacancies have been filled according to the provisions of the Constitution. The Adjutant General will be succeeded by the Assistant Adjutant General, the Deputy Adjutant General, or the Chief of Staff of the Kentucky National Guard.

B. LOCAL GOVERNMENT

1. County Judge/Executives and Mayors

a. The County Judge/Executives and Mayors are the Chief Executives of local jurisdictions. The County Judge/Executives and Mayors are authorized and directed by law to:

- 1) Make rules and regulations.
- 2) Prepare a comprehensive disaster preparedness plan for the county/city, compatible with the plans of the state and federal governments.
- 3) Catalogue survival resources of the county and city, plus plan for the procurement of supplies to meet the public's needs.
- 4) Initiate training and public information programs.
- 5) Utilize services, facilities and supplies of local government and private organizations. Establish agencies and offices, appoint personnel, and delegate authority under which such agencies and officials shall operate.
- 6) Enter into mutual aid agreements or compacts with other counties/cities, or private agencies, within the Commonwealth.
- 7) Delegate any authority vested under KRS 39.400 to KRS 39.432 and KRS 39.990 and provide for further delegation of such authority.

b. In the event of an actual disaster, emergency, or war related crisis, the

County Judge/Executives and Mayors may declare that a State of Emergency exists. Thereafter, the County Judge/Executives and Mayors shall have, for the duration of the state of emergency the following powers:

- 1) To enforce all laws, rules and regulations relating to emergency management and to assume direct operational control of all civil defense forces and volunteers in the county/city.
- 2) To seize, take, or condemn property for the protection of the public, or at the request of the President, Governor, the Armed Forces, or the Federal Emergency Management Agency to include:
 - a) Local means of transportation and communications,
 - b) Retail stocks of fuel of any nature,
 - c) Retail food, clothing, equipment, medicines and all other supplies,
 - d) Local facilities, including buildings and plants.
- 3) To sell, lend, give, or distribute all or any such property among residents and relocatees of the county/city and to account to the fiscal court/city council for any funds received for such property.
- 4) To make compensation for the property seized, taken, or condemned.
- 5) To perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population.

2. Fiscal Courts and City Councils

- a. The fiscal courts and city councils are coordinating branches of County and City government and their continuation is essential. They shall be called into session as necessary to advise and support the County Judge/Executives and Mayors.
- b. Each agency of local government shall perform its normal duties unless otherwise directed by the County Judge/Executives or Mayors. Applicable Standard Operating Procedures shall be developed by each local governmental agency to support the county emergency operations plan. A plan shall also be developed for the preservation of essential records during a disaster or war related crisis.

3. Line of Succession - Judge/Executives

- a. Under KRS 63.190 any vacancy of a Judge/Executive is filled by appointment by the Governor. When a vacancy occurs, the County Clerk is responsible for notifying the Governor of the vacancy (KRS 63.210). A County Judge/Executive appointed in this manner serves in accordance with Section 152 of the Kentucky Constitution.
 - b. Each county is required to adopt a succession resolution to insure that a county governmental official is available to serve in the absence or disability of the Judge/Executive, Deputy Judge/Executive, or any successor until the Governor can appoint a new County Judge/Executive.
 - c. When the absence or disability of the Judge/Executive shall prevent his/her serving in the office during a national or state emergency, the duties and responsibilities of the County Judge/Executive shall be administered temporarily by the Deputy County Judge/Executive as set forth in KRS 67.730 and 67.745 until the Office of Judge/Executive is filled.
 - d. In the absence or disability of the County Judge/Executive and Deputy County Judge/Executive, members of the Fiscal Court shall serve in succession in accordance with KRS 67.740 and 67.745 until the Office of Judge/Executive is filled.
4. Line of Succession - Mayors and City Legislative Bodies
- a. Under KRS 83A.040, each Kentucky city shall have a separately elected Mayor. The filling of temporary vacancies in the Office of Mayor differs depending upon governmental plan. The legislative body of the jurisdiction shall fill any permanent vacancy in the office within thirty (30) days. If this step is not taken within the time specified, the Governor shall fill the vacancy under KRS 83A.040, which specifies that if no appointment is made by the city legislative body, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve until the next regular election.
 - b. If one or more vacancies occur on a city legislative body, in such a manner that one or more members remain seated, KRS 83A.040 provides that the remaining members will fill all vacancies. These vacancies will be filled one at a time, giving each new appointee reasonable notice of selection to allow the new member to meet and act with the remaining members in making further appointments, until all vacancies are filled. KRS 83A.040 also states that if the entire city legislative body becomes vacant at once, the Governor shall appoint enough members sufficient to constitute a quorum. Any remaining vacancies shall be filled in accordance with KRS 83A.040.
 - c. If, for any reason, any vacancy on a city legislative body is not filled by the

remaining members, the Governor shall promptly fill the vacancy, or vacancies, by appointment and the appointed member shall serve until the next election.

- d. For temporary absences of Mayors in cities with a Mayor/Council form of government, the Mayor shall appoint a Mayor Pro-Tempore. If the Mayor's absence continues for 60 consecutive days, the legislative body may declare the office vacant, and appoint a new Mayor pursuant to KRS 83A.040.
- e. When the Mayor of a first class city is temporarily absent or disabled, KRS 84.560 requires that the President of the city legislative body, who shall be elected annually by the body, serve as Mayor on a temporary basis.
- f. For temporary absences of Mayors in cities with a Mayor/Commission form of government, the commission shall designate one commissioner as Mayor Pro-Tempore. If the Mayor's absence continues for 60 consecutive days, the commission may declare the office to be vacant and appoint a new Mayor pursuant to KRS 84A.040.
- g. For temporary absences of Mayors in cities with a City Manager form of government, a Mayor Pro-Tempore is elected from among the city legislative body. If the Mayor's absence extends for 60 consecutive days, the body may declare the office to be vacant.